

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**FIRST AMERICAN PAYMENT SYSTEMS,
LP**, a limited partnership, also d/b/a MERIMAC
CAPITAL,

ELIOT MANAGEMENT GROUP, LLC, a
limited liability company, also d/b/a SUNDANCE
PAYMENT SOLUTIONS, and

THINK POINT FINANCIAL, LLC, a limited
liability company, also d/b/a CYPRESS BAY
SOLUTIONS and IMPULSE PAYMENTS,

Defendants.

Case No. 4:22-CV-654-SDJ

**AMENDED JOINT MOTION TO ENTER
STIPULATED ORDER FOR PERMANENT
INJUNCTION, MONETARY JUDGMENT, AND
OTHER RELIEF**

Plaintiff Federal Trade Commission (“Plaintiff”) and Defendants First American Payment Systems, LP, Eliot Management Group, LLC and Think Point Financial, LLC (“Defendants”) respectfully submit this Amended Joint Motion To Enter Stipulated Order For Permanent Injunction, Monetary Judgment, and Other Relief, in order to present a modified proposed Stipulated Order For Permanent Injunction, Monetary Judgment, and Other Relief (“Modified Stipulated Order”), attached hereto as Exhibit A, which has been signed by Plaintiff’s counsel and the Defendants. The Modified Stipulated Order collectively resolves all

matters in dispute between Plaintiff and Defendants in this action. Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in the Modified Stipulated Order.

The Modified Stipulated Order presented as Exhibit A to this amended motion represents a modification of the proposed stipulated order presented by the original Motion (Dkt. 2, proposed order filed as Dkt. 2-1). The Modified Stipulated Order adds a reference to 15 U.S.C. § 57b(b) to Section X.A, removes a reference to nondischargeability from Section X.D, and omits former Section X.E. These modifications address concerns expressed by the Court in the October 6, 2022 hearing on the original motion. The Modified Stipulated Order also incorporates an updated caption and an updated signature line for Plaintiff. In all other respects, the Modified Stipulated Order is identical to the original proposed stipulated order. Plaintiff and Defendants jointly move the Court to enter the Modified Stipulated Order.

DATED this ____ day of October, 2022.

Respectfully submitted,

/s/ Jason C. Moon

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Federal Trade Commission

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THINK POINT FINANCIAL, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that on October 26, 2022, a true and correct copy of the foregoing document was served through the CM/ECF system or electronic mail to the following parties or counsel:

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